Sections 1—2.

ACT No. XXIII OF 1871.

Notification by the Government of India, Foreign Department, Judicial, No. 169, *dated Simla, the* 22*nd August* 1873.

His Excellency the Viceroy and Governor-General in Council is pleased to extend the provisions of Act XXIII of 1871 (The Pensions Act) to the Province of Mysore subject to the following modifications, namely—

Section 2 together with the schedule mentioned therein, and also clause (2) of section 7, to be omitted.

Wherever the words "Local Government," "Chief Revenue authority" and "Chief Controlling Revenue authority" occur in the Act, the words "Chief Commissioner" to be substituted.*

In section 5, the words "subject to the general control of the Local Government," and in section 14 the words "with the consent of the Local Government," to be omitted.

(RECEIVED THE ASSENT OF THE GOVERNOR-GENERAL ON THE 8TH AUGUST 1871.)

An Act to consolidate and amend the law relating to pensions and grants by Government of money or land-revenue.

Preamble. WHEREAS it is expedient to consolidate and amend the law relating to pensions and grants by Government of money or land-revenue; It is hereby enacted as follows:—

I. Preliminary.

Short-title. **1.** This Act may be called "The Pensions Act, 1871;"

Extent of Act. It extends to the whole of British India;

Commencement. And it shall come into force on the date of the passing thereof but not so as to affect any suit in respect of a pension or grant of money or land-revenue which may have been instituted before such date.

2. (*Repeal of enactments.*) *Omitted as directed by Notification No.* 169, *dated the* 22*nd August* 1873.

* As to this, however, see Notification of the Government of Mysore No. 153, dated the 2nd September 1891, according to which the expression "Local Government" occurring in any Act in force in Mysore is to denote "the Government of His Highness the Maharaja of Mysore." The words "Chief Revenue authority" and "Chief Controlling Revenue authority" in the present Act must, apparently, be construed in a similar manner; and hence the substitution indicated above has not been made.

Sections 3—8.

Interpretation-clause.

3. In this Act, the expression "grant of money or land revenue" includes anything payable on the part of Government in respect of any right, privilege, perquisite or office.

II. Rights to Pensions.

Bar of suits, relating to pension.

4. Except as hereinafter provided, no Civil Court shall entertain any suit relating to any pension or grant of money or land revenue conferred or made by the British or any former Government, whatever may have been the consideration for any such pension or grant, and whatever may have been the nature of the payment, claim or right for which such pension or grant may have been substituted.

Claims to be made to Collector or other authorized officer.

5. Any person having a claim relating to any such pension or grant may prefer such claim to the Collector of the District or Deputy Commissioner or other officer authorized in this behalf by the Local Government; and such Collector, Deputy Commissioner or other officer shall dispose of such claim in accordance with such rules as the Chief Revenue authority may [a] from time to time prescribe in this behalf.

Civil Court empowered to take cognizance of such claims.

6. A Civil Court, otherwise competent to try the same, shall take cognizance of any such claim upon receiving a certificate from such Collector, Deputy Commissioner or other officer authorized in that behalf that the case may be so tried, but shall not make any order or decree in any suit whatever by which the liability of Government to pay any such pension or grant as aforesaid is affected directly or indirectly.

Pensions for lands held under grants in perpetuity.

7. Nothing in sections four and six applies to—

(1) any inam of the class referred to in the first section of Madras Act No. IV of 1862; [b]

III. Mode of Payment.

Payment to be made by Collector or other authorized officer.

8. All pensions or grants by Government of money or land revenue shall be paid by the Collector or the Deputy Commissioner or other authorized officer, subject to such rules as may, from time to time, be prescribed by the Chief Controlling Revenue authority.

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[a] The words "subject to the general control of the Local Government" in section 5 have been omitted as directed by Notification No. 169, dated the 22nd August 1873.

[b] Clause (2) of section 7 has been omitted as directed by Notification No. 169, dated the 22nd August 1873.

Sections 9-14.

Saving of rights of grantees of land revenue.

9. Nothing in sections four and eight shall affect the right of a grantee of land revenue, whose claim to such grant is admitted by Government, to recover such revenue from the persons liable to pay the same under any law for the time being in force for the recovery of the rent of land.

Commutation of pensions.

10. The Local Government may, with the consent of the holder, order the whole or any part of his pension or grant of money or land revenue to be commuted for a lumpsum on such terms as may seem fit.

IV. Miscellaneous.

Exemption of pension from attachment.

11. No pension granted or continued by Government on political considerations, or on account of past services or present infirmities or as a compassionate allowance,

and no money due or to become due on account of any such pension or allowance,

shall be liable to seizure, attachment or sequestration by process of any Court in British India, at the instance of a creditor, for any demand against the pensioner, or in satisfaction of a decree or order of any such Court.

Assignments, etc., in anticipation of pension, to be void.

12. All assignments, agreements, orders, sales and securities of every kind made by the person entitled to any pension, pay or allowance mentioned in section eleven, in respect of any money not payable at or before the making thereof, on account of any such pension, pay or allowance, or for giving or assigning any future interest therein, are null and void.

Reward to informers.

13. Whoever proves to the satisfaction of the Local Government that any pension is fraudulently or unduly received by the person enjoying the benefit thereof, shall be entitled to a reward equivalent to the amount of such pension for the period of six months.

Power to make rules.

14. The Chief Controlling Revenue authority may [a] from time to time makes rules consistent with this Act respecting all or any of the following matters:—

(1) the place and times at which, and the person to whom any pension shall be paid,

(2) inquiries into the identity of claimants,

(3) records to be kept on the subject of pensions,

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[a] The words "with the consent of the Local Government" in section 14 have been omitted as directed by Notification No. 169, dated the 22nd August 1873.

(4) transmission of such records,
(5) correction of such records,
(6) delivery of certificates to pensioners,
(7) registers of such certificates,
(8) reference to the Civil Court under section six, of persons claiming a right of succession to, or participation in, pensions or grants of money or land revenue payable by Government,

and generally for the guidance of officers under this Act.

All such rules shall be published in the local official Gazette, and shall thereupon have the force of law.

[*SCHEDULE.*] *Omited as directed by Notification No.* 169, *dated the* 22*nd August* 1873.